



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/840,912      | 04/25/2001  | Yasuo Suzuki         | 35.C15308           | 5241             |

5514 7590 04/04/2003

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

[REDACTED] EXAMINER

FULLER, RODNEY EVAN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2851     | 9            |

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/840,912             | SUZUKI, YASUO       |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Rodney E Fuller        | 2851                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 January 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 8-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 January 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### *Remarks*

In response to applicant's Amendment, dated January 21, 2003, the examiner acknowledges the cancellation of claims 6 and 7. Claims 1-5 and 8-12 are pending.

The examiner acknowledges the corrections of the objections related to the Drawings and Specification (i.e., abstract) set forth in the Office Action mailed August 14, 2002.

Regarding the 35 U.S.C. 102(e) rejection of claims 1-12 as being anticipated by Nakazato, et al. (US 6,236,820), the applicant makes the argument that one of the optical boxes of the present invention (claim 1) is "stacked *directly* on a second one of the optical boxes." (Emphasis added by applicant). The applicant, further, argues that in Nakazato the specification may use the term "stacked" to described the arrangement of image forming units; however, "it is apparent from the Figures that each image forming unit 104K, 104C, etc., is simply lodged in a respective portion of structure member 202." The examiner maintains that Nakazato does teach "wherein one of said optical boxes is stacked directly on a second one of said plurality of boxes" as can be seen in Figures 1A, 9, 12, 14, 21, 31. (Note: The Figures noted are not exclusive but representative, and other figures of Nakazato also disclose the claimed invention.

Thus, the examiner has considered the applicant's arguments in light of the amended claims and maintains the rejection.

Regarding the prior art made of record and not relied upon listed in the Office Acton mailed August 14, 2002, the applicant makes the argument that "the other art of record fails to reveal anything which, in Applicant's opinion, would remedy" the argued deficiencies of Nakazato. The examiner notes that Obu clearly discloses an optical box that is stacked directly

Art Unit: 2851

on a second optical box, and include alignment / mount parts (ref.# 51, 52) which facilitate the “direct” stacking of one unit on top of another.

***Claim Objections***

1. Claim 10 is objected to because of the following informalities:

It appears that the word “bodies was omitted between the words “bearing” and “corresponding.” It appears that the limitation should be “comprising a plurality of image bearing [bodies] corresponding respectively to said plurality of optical boxes.” Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-5 and 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by

Nakazato, et al. (US 6,236,820).

Nakazato (US 6,236,820) discloses all the structures set forth in the claims. Regarding claim 1, Nakazato (US 6,236,820) discloses “...an image bearing member (Fig. 9, ref.#s 1, 8K, 8C, 8M, 8Y); and a plurality of optical boxes (Fig. 9, ref.# 104K, 104C, 104M, 104Y), each of

said optical boxes containing at least: a light source (column 21, line 63); deflecting means (Fig. 9, ref.#s 106K, 106C, 106M, 106Y) for deflecting light emitted from said light source; and a lens (Fig. 9, ref.# 108K, 108C, 108M, 108Y, 112K, 112C, 112M, 112Y), arranged to image light deflected by said deflecting means onto said image bearing member; wherein one of said optical boxes is stacked directly on a second one of said plurality of optical boxes.”

Regarding claim 2, Nakazato (US 6,236,820) discloses “...wherein said one optical box has a positioning portion for receiving said second of said optical box to form a stack.” (Fig. 12, ref.#s 280U, 280D)

Regarding claim 3, Nakazato (US 6,236,820) discloses “...wherein said one optical box and said second optical box are fixed to each other by an elastic member, or by adhering or welding.” (Column 9, line 20)

Regarding claim 4, Nakazato (US 6,236,820) discloses “...wherein said optical box has an engaging portion for engaging with said second optical box.” (Column 5, lines 41-44)

Regarding claim 5, Nakazato (US 6,236,820) discloses “...wherein said engaging portion has a notch portion.” (Column 5, lines 41-44)

Regarding claim 8, Nakazato (US 6,236,820) discloses “...wherein said one optical box has an engaging portion for engaging with a main body of said apparatus.” (Column 5, lines 35-44)

Regarding claim 9, Nakazato (US 6,236,820) discloses “...wherein said engaging portion has a notch portion.” (Column 5, lines 41-44)

Regarding claim 10, Nakazato (US 6,236,820) discloses “a plurality image bearing [bodies] (Fig. 9, ref.# 8K, 8C, 8M, 8Y) corresponding respectively to said plurality of optical boxes (Fig. 9, ref.# 104K, 104C, 104M, 104Y).”

Regarding claim 11, Nakazato (US 6,236,820) discloses “...wherein an interval between said one optical box and second optical box (Fig. 9, ref.# 104K, 104C, 104M, 104Y) is equal to an interval between two of image bearing members (Fig. 9, ref.# 8K, 8C, 8M, 8Y).”

Regarding claim 12, Nakazato (US 6,236,820) discloses “...wherein said optical boxes correspond respectively to a plurality of images having different colors.” (Column 6, lines 11-15)

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2851

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Fuller whose telephone number is (703) 306-5641. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847.

Rodney Fuller  
Primary Examiner



April 1, 2003